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**LATHAM & WATKINS** LLP

MEMORANDUM ENDORSED

July 21, 2022

**VIA ECF**

The Honorable Gabriel W. Gorenstein  
United States Magistrate Judge  
U.S. District Court for the Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

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Re: Schansman et al. v. Sberbank of Russia PJSC et al., Case No. 19-cv-2985-ALC-GWG; VTB Bank PJSC's Letter Requesting Extension of Time for New Counsel to File Notice of Appearance

Dear Judge Gorenstein:

On behalf of Defendant VTB Bank (PJSC) ("VTB"), we write with respect to the deadline for VTB's new counsel to enter its appearance. On June 2, 2022, VTB requested an extension of that deadline until June 15, 2022. (Dkt No. 342). In its request, VTB noted that it had recently come to an agreement-in-principle with Marc Agnifilio and Zach Intrater of Brafman & Associates P.C. ("Brafman"), but the logistics of finalizing that engagement were taking longer than anticipated due to the Russia-related sanctions regime in the United States. (*Id.*). The Court granted that request on June 3, 2022. (Dkt No. 350). Since that time, VTB has requested three additional extensions, each of which the Court granted, effectively extending the deadline for VTB's new counsel to appear to today, July 21. (*See* Dkt Nos. 358, 360, 367, 373, 382, 401).

As detailed in the attached declaration, VTB and Brafman have continued to attempt to finalize the engagement with VTB. Over the past two weeks, Brafman has been in contact with fourth financial institution in an effort to establish an arrangement that would permit VTB to compensate Brafman for its representation. On July 18, 2022, that financial institution stated that it could not accept Brafman as a banking client because the firm was too small. This rejection was provided notwithstanding that Brafman has been in contact with, and has received assurances from the Office of Foreign Assets Control ("OFAC") that such an arrangement and payment for legal services is permissible under OFAC's sanctions regime. Beginning on July 19, 2022, Brafman initiated contact with two new financial institutions to inquire whether they would accept funds from VTB. Those discussions remain ongoing at this time.

VTB accordingly respectfully requests a two-week extension for its new counsel to enter its appearance, until August 4, 2022. This is VTB's fifth request for an extension of this nature.

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VTB appreciates and acknowledges the Court's patience with these requests, and wishes to emphasize its continued desire to participate and defend itself in this litigation.

Plaintiffs oppose the requested extension of time. Plaintiffs position is as follows: "[T]he continued delay prejudices the Schansman family's ability to timely pursue necessary discovery from VTB, and given that VTB has been functionally without counsel for many months, we request that the Court either immediately grant Latham & Watkins' motion to withdraw as counsel for VTB and permit Plaintiffs to apply for an entry of default, or alternatively permit Plaintiffs to file its motion to compel given that VTB continues to have counsel of record."

Respectfully submitted,

/s/ Christopher R. Harris  
Christopher R. Harris

cc: All Counsel of Record (via ECF)

Extension to August 4, 2022, granted. There will be no further extensions absent a sworn statement from someone with personal knowledge that provides a daily log of the efforts made by that individual starting on July 22, 2022, to arrange for a new attorney to file a notice of appearance.

So Ordered.

  
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GABRIEL W. CORENSTEIN  
United States Magistrate Judge

July 22, 2022